

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: :
: :
KEURIG GREEN MOUNTAIN SINGLE- :
SERVE COFFEE ANTITRUST :
LITIGATION :
: :
This Document Relates to All Actions :
-----X

14-MD-2542 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of letters requesting guidance regarding the oral argument scheduled for July 9, 2015 on Keurig's motions to dismiss. I propose to structure the argument in the manner described below. However, the parties are encouraged to meet and confer and are welcome to propose joint modifications to this schedule or an entirely different structure for the argument.


Although there are four separate motions and each amended complaint includes distinct factual allegations, there is substantial overlap among Keurig's motions. In the interest of efficiency, Plaintiffs should confer and divide up the four substantive areas listed below among themselves so that one counsel has primary responsibility for arguing each issue. The parties may prepare several minutes of argumentation on each issue, but a significant portion of each allotment of time will be devoted to questions from the Court.

- Has substantial foreclosure of competition been adequately alleged? (approximately 15 minutes per side)
- Has monopoly power in a relevant market been adequately alleged? (approximately 15 minutes per side)
- Has a claim been stated under federal or state law based upon Keurig's alleged misrepresentations or false statements? (approximately 10 minutes per side)
- Do the Direct and Indirect Purchaser Plaintiffs have standing? (approximately 5 minutes per side)
- Miscellaneous questions for all parties (approximately 15 minutes)

I do not envision devoting significant amounts of time to argument regarding Plaintiffs' sham litigation and Section 1 conspiracy claims.

SO ORDERED.

Dated: June 15, 2015
New York, New York


Vernon S. Broderick
United States District Judge